



## Minutes of Faculty Office Senior Officers' Meeting

Held on Monday 24 February 2020 at 11:00 at 1 The Sanctuary, Westminster, SW1P 3JT

Attendees: Charles George QC, Master  
Howard Dellar, Registrar  
Ian Blaney, Deputy Registrar  
Neil Turpin, Chief Clerk

The Minutes of the meeting held on 13 January 2020 had been circulated and were approved.

### PART I - Ecclesiastical Matters

### PART II - England and Wales notarial matters

#### 1. Regulators' chairs meeting with the LSB

The Master had circulated his own note (not for publication) and the LSB note of the meeting. It was reported that it was an interesting meeting covering a number of aspects. The LSB are clearly not expecting any major government legislation to amend or replace the Legal Services Act within the next five years and it seems unlikely that the list of reserved activities will change either significantly or at all.

#### 2. Progress on internal governance rules

The Certificate of Compliance must be lodged with the LSB by the 31 March 2020. The principal issue for the Faculty Office was around the status of the Qualifications Board and the requirement for any Board exercising regulatory functions to have a lay majority. The matter had been raised at the Qualifications Board meeting on 22 January and a number of the notarial members of that Board had strident views over the need to maintain a notarial majority or to change the status of some of notarial members to advisor status and strongly encouraged the Faculty Office to make a further formal application for a waiver. It was noted from the Registrar's meeting with the LSB CEO that the LSB would be likely to strongly oppose any application for waiver. The Senior officers' team agreed that, notwithstanding the concerns of the Board members, the composition of the Qualifications Board did need amending in order to bring it in line with the requirements of the Internal Governance Rules. We need to advertise to find additional pay people to join the Board and also to speak to the chair which the Registrar will do.

#### 3. Practice authorization

Ian Blaney reported that he and Ann Wright had had a disappointing meeting at the MoJ at which the lawyer responsible for amending the draft Section 69 Agreement had not been able to be present. It was agreed to pursue a further meeting with the MoJ at which the relevant people might be able to be present.

#### **4. Matters arising from the Qualifications Board**

1. The Master reported on his meeting with Nicholas Hatzis, chair of the Qualifications Board at which Nick had reported he enjoyed his appointment and felt that he had a good team on the Board with appropriate backing from the Faculty Office staff. He did report the dismay of the Board to the proposal for a lay majority reported under 2. Above.

2. A letter had been received from Michael Lightowler relating to the recurrent theme of requiring applicants to have a detailed up to date knowledge of conveyancing and probate work which, he felt, was putting a number of good quality potential applicants off. It was noted that a consultation on this issue was undertaken approximately two years' ago as part of the Practice Authorization consultation and the strong feeling of the profession at large (or those responding to the consultation) was that the profession would be poorer if the ability to undertake conveyancing and probate work (or restricting practicing certificates for an element of the profession) were to be introduced. The Qualifications Board does have a guidance note which it does, perhaps, need to be reminded of in relation to the way in which applications should be considered where applicants did not have personal recent experience of conveyancing or probate work but where they would be adequately supported in such work from the solicitors' practices in which they are often embedded.

3. Review of professional qualifications. Both Boards had considered the Working Group's paper on the review of professional qualifications at their January meetings and the recommendations of the Working Group were largely supported. Some of the recommendations related to the Notarial Practice Course itself and Ian Blaney reported that we had written to UCL to formally put on record those recommendations and its formal response. It was noted that neither the Boards nor the Faculty Office had any concerns over the way UCL administer and run the course currently. A formal recommendation paper for the Master to consider will be brought to the next Senior Officers' meeting.

#### **5. Matters arising from the Advisory Board**

There were none.

#### **6. Re: VM, a Notary**

It was reported that VM had been re-suspended for a further period of three months pending receipt of the SDT Judgment and any appeal which VM may, lodge against those findings. The Nominated Notary has been appointed but the investigation would not be commenced until the outcome of the above was known. In the meantime a letter had been received from the SRA with concerns that VM was still practising as a notary notwithstanding her suspension. VM had been written to and a formal response was awaited.

#### **7. Other notarial complaints**

**Re: CC, a notary** - the Nominated Notary had reported and a formal complaint is likely to be forthcoming.

**Re: GS, a notary** - a "whistleblower" had reported that GS had been suspended as a solicitor and had resigned his partnership of the solicitor's firm in which he practiced. No response had been received from the SRA to a letter from the Faculty Office enquiring around the circumstances of the suspension. However GS had not applied to renew his notarial practising certificate and we do not have any information suggesting that there were complaints about his activities as a notary when he was in

practice. We should pursue enquiries with the SRA as to the nature of the potential misconduct which they are investigating.

#### **8. Meeting with the Inspectors**

It was reported that the meeting with the inspectors held on 28<sup>th</sup> January 2020 at the Faculty Office had been useful. The proposed amendments to the notarial inspection questionnaire had been incorporated and a list of the 2020 inspectees was being prepared to be submitted to the inspectors for this year's round.

#### **9. Complaint about City of London Police**

It was reported that we had responded to the IAPC's letter correcting a number of their misconceptions over the responsibility for prosecutions under the Legal Services Act but it was clear that the City of London Police would take any further action in respect of the matter. As the individual concerned was regulated by the SRA it was agreed that this route should be pursued and a letter had been sent to the SRA asking them to investigate.

#### **10. Revision of the Code of Practice**

Elaine Standish had reported that the authors of the Code of Practice were hoping to have the revisions made by the end of March. The Master requested that the authors be asked to complete the work as soon as reasonably practicable as certain aspects of the Code were now significantly out of date.

#### **11. OPBAS/AML matters**

The Faculty Office risk assessment had been reviewed. It was noted that the new national risk assessment was likely to be issued in July 2020 and this may result in further revision of the Faculty Office's risk assessment. It was noted that a ministerial round table was also being planned and, depending on the date which is finally set for this, a representative of the Faculty Office would attend.

### **PART III Overseas Jurisdictions**

#### **12. Any other business**

There was none.

#### **13. Date of next meeting**

23 March at 11.00

27 April at 11.00